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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	BHE 3.0-109 (CONT)
First Inventor	Manfred Keller
Title	Dry Powder Inhalation
Express Mail Label No.	EV 230637834 US

21909 U.S. PTO
10/628965
07/28/03**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

- | | |
|---|--|
| 1. <input type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17)
<i>(Submit an original and a duplicate for fee processing)</i> | 7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) |
| 2. <input type="checkbox"/> Applicant claims small entity status.
See 37 CFR 1.27. | 8. Nucleotide and/or Amino Acid Sequence Submission
<i>(if applicable, all necessary)</i> |
| 3. <input checked="" type="checkbox"/> Specification [Total Pages <u>31</u>]
<i>(preferred arrangement set forth below)</i> | a. <input type="checkbox"/> Computer Reader Form (CRF) |
| - Descriptive title of the Invention | b. Specification Sequence Listing on: |
| - Cross Reference to Related Applications | i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or |
| - Statement Regarding Fed sponsored R & D | ii. <input type="checkbox"/> Paper |
| - Reference to sequence listing, a table, or a computer program listing appendix | c. <input type="checkbox"/> Statements verifying identity of above copies |
| - Background of the Invention | |
| - Brief Summary of the Invention | |
| - Brief Description of the Drawings (if filed) | |
| - Detailed Description | |
| - Claim(s) | |
| - Abstract of the Disclosure | |
| 4. <input type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets _____] | |
| 5. Oath or Declaration [Total Sheets <u>1</u>] | |
| a. <input type="checkbox"/> Newly executed (original or copy) | 9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) |
| b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d))
<i>(for continuation/divisional with Box 18 completed)</i> | 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney
<i>(when there is an assignee)</i> |
| i. <input type="checkbox"/> DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s)
name in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b). | 11. <input type="checkbox"/> English Translation Document (if applicable) |
| 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76 | 12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations |
| 13. <input checked="" type="checkbox"/> Preliminary Amendment | 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503)
<i>(Should be specifically itemized)</i> |
| 15. <input type="checkbox"/> Certified Copy of Priority Document(s)
<i>(if foreign priority is claimed)</i> | 16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35
or its equivalent |
| 17. <input checked="" type="checkbox"/> Other: <input type="checkbox"/> Express Mail Certification | |

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP) of prior application No.: 09/831,011

Prior application information: Examiner M. Haghighatian Art Unit: 1616
 For CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.
 The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number:	27614	OR	<input type="checkbox"/> Correspondence address below
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Name	McCarter & English, LLP		
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Name (Print/Type)	John K. Kim	Registration No. (Attorney/Agent)	37,002
Signature			
Date	July 28, 2003		

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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July 28, 2003

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Alexandria, VA 22313-1450



File: BHE 3.0-109 (CONT)
Inventor(s): Manfred Keller, et al.
Title: DRY POWDER FOR INHALATION
Assignee: To be Assigned
Express Mail Label: EV 230637834 US

Customer No. 27614

Sir:

Enclosed herewith please find the following documents in the above-identified application for Letters Patent of the United States:

<u>31</u>	Pages of Specification
<u>40</u>	Number of Claims
<u>0</u>	Sheets of Formal Drawings
<u>1</u>	Return-addressed Postcard
<u>0</u>	Assignment for Recording (Stapled to Form PTO-1595)
<u>1</u>	Declaration, Power of Attorney (copy from previous application)
<u>1</u>	Express Mail Certification (Stapled to this Letter)
<u>1</u>	Utility Patent Application Transmittal (PTO/SB/05)
<u>1</u>	Preliminary Amendment and Claim for Priority

Basic Fee \$ 750.00
Additional Fees:

Total number of claims (including multiple dependent claims) <u>40</u>	\$ 360.00
Total number of claims in excess of 20, times \$18.00	
Number of independent claims <u>3</u>	\$.00
Number of independent claims minus 3, times \$84.00	\$.00
Fee for multiple dependent claims (\$280.00)	\$.00
TOTAL FILING FEES:	<u>\$1,110.00</u>

*****Applicants claim the priority of Swiss Patent Application No. 2286/98 filed November 13, 1998.***

*****Applicants claim the priority of International Application No. PCT/CH99/00528 filed November 10, 1999.***

*****This application is a continuation of co-pending U.S. Appln. Serial No. 09/831,011 filed August 9, 2001.*****

Please charge Deposit Account No. 501402 in the amount of \$1,110 to cover the fees associated with this filing. The Commissioner is also authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 501402. Duplicate copies of this letter are enclosed for such purposes.

Respectfully submitted,

McCARTER & ENGLISH

A handwritten signature in black ink, appearing to read "John K. Kim".

By: John K. Kim
Reg. No. 37,002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of
MANFRED KELLER, et al.

Serial No. To be Assigned

Filed: Herewith

For: DRY POWDER FOR INHALATION

****This application is a continuation of U.S. Patent
Appln. Serial No. 09/831,011, filed August 9, 2001***

X

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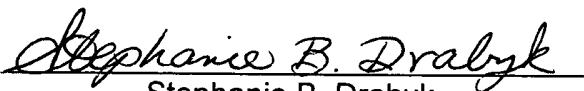
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I hereby certify that this paper and/or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Stephanie B. Drabyk